

LAW OFFICE OF HOWARD K. K. LUKE
ATTORNEYS AT LAW

HOWARD K. K. LUKE 2049
 DAVID M. HAYAKAWA 4522
 841 Bishop St., Suite 2022
 Honolulu, Hawaii 96813
 Tel.: (808) 545-5000
 Fax: (808) 523-9137
 Email: howardkkluke@hawaii.rr.com

Attorneys for Defendant
 BRENDA M. O. CHUNG (02)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00225 DAE
)	
Plaintiff,)	DEFENDANT BRENDA M. O.
)	CHUNG'S (02) MOTION IN
vs.)	LIMINE NO. 2; CERTIFICATE
)	OF SERVICE
ANDY S. S. YIP,	(01))
BRENDA M. O. CHUNG,	(02))
)	
Defendants.)	Trial: August 15, 2007
)	Judge: David A. Ezra

DEFENDANT BRENDA M. O. CHUNG'S (02) MOTION IN LIMINE NO. 2

Comes now Defendant, Brenda M. O. Chung (02), by and through her undersigned counsel, and hereby moves this Honorable Court to preclude any testimony by any of the government's witnesses from expressing any opinion as to

the credibility of persons who provided statements pursuant to interviews conducted by government agents.

This motion is made pursuant to Rules 102, 401, 402, 403, 405, 701, and 704 of the Federal Rules of Evidence and the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution.

The instant motion is brought before the court pursuant to Defendant's undersigned counsel's review of the *Jencks* material provided by the government in this case. The review of the evidence, having been substantially completed, discloses that some of the interviews of potential witnesses, conducted by agents of the government, include statements by the interviewing agents that, in the opinion of the agents, material parts of the statements were not credible. Such opinions clearly violate the province of the jury, the members of whom are the sole judges of the facts in this case. Such opinions do not meet the requirements of Rules 701 and 704 of the Federal Rules of Evidence, and are violative of Defendant's constitutional right to due process.

DATED: Honolulu, Hawaii, August 14, 2007.

/s/ Howard K. K. Luke
HOWARD K. K. LUKE
DAVID M. HAYAKAWA

Attorneys for Defendant
BRENDA M. O. CHUNG (02)